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UNITED STATES DEPARTMENT OF COMMERCE United State Pares and Description Office Address CDMM(SSCHER FOR PATENTS POR 160 (160 MINES POR PATENTS) PRINCES PROPERTY OF THE PATENTS WITH 1000 Spin

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/848,434	05/04/2001	Juy K. Shoorer	10-1340	8624
23117	7590 01/22/2004		EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD			ALVO, MARCS	
8TH FLOOR			ART UNIT	PAPER NUMBER
ARLINGTO	N, VA 22201-4714		1731	

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Section   The specification is objected to by the Examiner:	T Chied for Reply
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Responsive to communication(s) field on	- If the period for eaply specified above is less than thinty (30) days, a regly within the situation princing or thinty (30) days will be consistent timely If No period for eight is specified above, the enrealment shartony princed will explain \$200,
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	4) ☐ Claim(s) 22-26 is/are pending in the application.
6 S   Claim(s) 22-26 size rejected.	4a) Of the above claim(s) is/are withdrawn from consideration.
7   Calambo   salare edjected to 5   Sol   Calambo   salare edjected to 5   Calambo   salare edjected to 5   Calambo   salare subject to restriction and/or election requirement.  Application Papers  9   The specification is objected to by the Examiner.  10   The promotion   Sol	5) Claim(s) is/are allowed.
S  Calimbo   are subject to restriction and/or election requirement.	6)⊠ Claim(s) 22-26 is/are rejected.
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10() The direwing(of filled onixtree \( \) [2] accepted or by _ objector to by the Examiner:  Applicant may not respect that any objection to the diserbig(o) be feeld in abgrance. See \$7 \) FR.1.85(t)  11() The proposed drawing correction filled on is \( \) [2] approved by the disapproved by the Examiner.  12() The cent for declaration is objected to by the Examiner.  12() The cent for declaration is objected to by the Examiner.  13() Abstraction declaration is objected to by the Examiner.  14() Abstraction declaration is objected to by the Examiner.  15() Abstraction from the Examiner.  16() Abstraction from the See of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3() Abstraction from the See of the priority documents have been received in Application No  2() Contined copies of the priority documents have been received in this National Stage application from the international Brussey (CPT Ruid 17.2(a)).  3() Copies of the contified copies of the priority documents have been received in this National Stage application from the international Brussey (CPT Ruid 17.2(a)).  3() Copies of the contified copies of the priority documents have been received in this National Stage application from the foreign anguage provisional application has been received.  14() Abstraction from the foreign language provisional application has been received.  15() Abstraction from the foreign language provisional application has been received.  15() Abstraction from the foreign language provisional application has been received.  15() Abstraction from the foreign language provisional application has been received.  15() Abstraction from the foreign language provisional application has been received.  16() Abstraction from the foreign language provisional application has been received.  16() Abstraction from the foreign language provisional application has been received.  16() Abstraction from the foreign free (PTD-86)  18() Note of International Excellence (PTD-152)  18() Note of International E	Application Papers
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Cartified copies of the priority documents have been received.	
2 Contriber copies of the priority documents have been received in Application No.  3 Copies of the conflict outpeaks of the springer copies of the priority documents have been received in this National Stage application from the international great priority and the springer of the conflict of the certified Copies not received.  10 Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  3) The translation of the foreign language provisional application has been received.  15 Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 1910 and/or 121.  International Company of the Copies of the C	a) All b) Some * c) None of:
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Notice of Draftsperson's Patent Drawing Review (PTC-948)   Notice of Information Disclosure Statement(s) (PTO-1449) Paper No(s)   Other.	and a
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Application No.

09/848.434

Steve Alvo

Examiner

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Office Action Summary

Applicant(s)

SHEERER

Art Unit

1731

Application/Control Number 09/848,434 Art Unit: 1731

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over CANADIAN PATENT APPLICATION 2.243,733.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically duckooled or described as set forth in section 107 of this tilis. If the difference between the midgle multis rought to be patented and the perior art are such that the subject matter as a whole would thrue been obvious at the time the invention was rande to a person having ordinary skill in the act to which asid subject matter pertains. Patentability shall not be negatived by the numerer in which the invention was made.

Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over CANADIAN PATENT APPLICATION 2,243,733 with or without RICH

CANADIAN PATENT APPLICATION 2,243,733 (Figures 3, 16A and 16B) teaches continuous annular protrusions connected to an internal section of a vessel each protrusion having a triangular cross section. The CANADIAN PATENT APPLICATION 2,243,733 teaches using impervious protrusions 53, 122, 40 (Figure 3) and 84, Figures 16A and 16B, which extend into the vessel at locations offset from the screens in portions of the vessel that are hollow. The CANADIAN PATENT abo teaches that these protrusions typically extend 6 inches into the vessel (page 2, line 14) or Figure 20 shows the protrusions to cetted 12 inches into the vessel. If necessary, it would have been obvious to the arisan that the step-out protrusions of CANADIAN PATENT APPLICATION 2,243,733

would be 6 inches as such is typical in the art. The CANADIAN PATENT APPLICATION 2,243,733 teaches such a design allows for "column relief", page 7, lines 18-23. The use of a plurality of screens along the digester is well known in the art as evidenced by Figure 1 of the CANADIAN Patent and taught by Canadian Patent in Figure 4 and page 8, lines 13-15.

CANADIAN PATENT APPLICATION 2,243,733 (Figures 3, 16A and 16B) teaches continuous annular protrusions connected to an internal section of a vessel each protrusion having a triangular cross section. The CANADIAN PATENT APPLICATION 2 243 733 teaches using impervious protrusions 53 122, 40 (Figure 3) and 84, Figures 16A and 16B, which extend into the vessel at locations offset from the screens in portions of the vessel that are hollow. The CANADIAN PATENT also teaches that these protrusions typically extend 6 inches into the vessel (page 2 line 14) or Figure 20 shows the protrusions to extend 12 inches into the vessel. If necessary, it would have been obvious to the artisan that the step-out protrusions of CANADIAN PATENT APPLICATION 2,243,733 would be 6 inches as such is typical in the art. The CANADIAN PATENT APPLICATION 2.243,733 teaches such a design allows for "column relief", page 7, lines 18-23. If necessary, RICH teaches using a screening surface having a space from the vessel surface of % to 2 inches (column 3, lines 54-57), It would have been obvious to structure the protrusions of the CANADIAN PATENT APPLICATION 2,243,733 (Figures 3 and 16 A and B) to the depth taught by RICH so they correspond to the depth of the screens (43) in the CANADIAN PATENT. See CANADIAN PATENT APPLICATION 2,243,733, Figure 19 for triangular shaped protrusions. See Figures 12 and 13 for a perimeter defined by the protrusions of a hollow region. See Figure 13 for the screen assembly vertically offset from protrusion 82. The use of a plurality of screens along the disester is well known in the art as evidenced by Figure 1 of the CANADIAN Patent and taught by Canadian Patent in Figure 4 and page 8, lines Application/Control Number: 09/848,434 Art Unit: 1731

13-15

The argument that the protrusions of the CANADIAN PATENT is not convincing as the drawings show \$5, 122, 40 (Fig. 3) and \$4, Figures 16A, 16B, Figure 13 as solid lines, which would indicate that the protrusions are solid. See also CANADIAN PATENT APPLICATION 2,245,733, page 9, lines 8-10 where the conicul transition sections may be continuous. See also page 9, line 1 for treaching other geometries and solid surfaces (45) and (54) of the Canadian Patent. The argument that the section of the CANADIAN PATENT teaches portous screen assemblies is not convincing as elements (45) and (54) are not plant of the screen assembly, but adjacent to it. The Canadian Patent describes the triangular transition elements as being smooth and continuous or perforated (page 9, lines 8-10). Clearly the smooth and continuous embodiment weculd be improvious. It is also noted that elements (45) and (54) of the Canadian Patent have hatched cross-sections. As set forth by Applicant on page 6 of the remarks of October 28, 2003 and MPEP 668.02, this would represent a solid metal object. The claims do not define over the solid elements of the CANADIAN PATENT.

MARCOCCIA (5,985,096) cited of interest. It is equivalent to the CANADIAN PATENT.

GLOERSEN cited to teach a digester having multiple screen sections and a solid extension opposite the screen.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this

When filing an "Official" FAX in Group 1730, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file. The "Official" FAX phone number for this TC 1700 is: 703-872-9306.

Any inquiry concerning this communication or earlier communications from the primary examiner should be directed to Steve Alvo whose telephone number is 571-272-1185. The Examiner can normally be reached on Monday - Friday from 6:00 AM - 2:30 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on 571-272-1189.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is 571-272-1700.

MSA January 11, 2004

final action

STEVE ALVO PRIMARY EXAMINER ART UNIT 1731